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7 DONALD BRITTON,
8 Plaintiff,
9 v.
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11 MARK TEMPLIN,
Defendant.

Case No. 22-cv-03468-JSC

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**ORDER RE: SERVING THE
SUMMONS & COMPLAINT**

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The Court denied without prejudice Plaintiff's motion for declaratory judgment and did not
construe it as a motion for summary judgment because the time to serve the summons and
complaint on Defendant had not yet passed. (Dkt. No. 11.)¹ Plaintiff now moves for summary
judgment. (Dkt. No. 14.)

On review of the docket, the Court notes that Plaintiff has filed certificates of service using
a form meant for "certificate of service of document other than complaint." (Dkt. Nos. 12, 13,
16.) They indicate that Plaintiff served the summons and complaint on Defendant by mail to an
address in Texas. (Dkt. No. 12 at 1.) However, unlike later case documents, the summons and
complaint must be served in accordance with Federal Rule of Civil Procedure 4(e). *See* pages 11–
16 of the Northern District of California's Handbook for Pro Se Litigants, available at
https://cand.uscourts.gov/wp-content/uploads/2020/02/Pro_Se_Handbook_2020ed_links_12-2021_MBB.pdf.

Accordingly, **Plaintiff must serve the summons and complaint in accordance with
Rule 4(e) and file a certificate of service on or before October 14, 2022.** *See* Fed. R. Civ. P.

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¹ Record citations are to material in the Electronic Case File ("ECF"); pinpoint citations are to the
ECF-generated page numbers at the top of the documents.

1 4(m) (providing that the Court may extend the 90-day deadline to serve summons and complaint
2 for good cause). The Court encourages Plaintiff to seek free assistance from the Northern
3 District's Legal Help Center. He may make an appointment by calling (415) 782-8982 or
4 emailing fedpro@sfbar.org.

5 Plaintiff's motion for summary judgment is DENIED without prejudice because Defendant
6 has not yet been served or appeared in this case. The case management conference and hearing
7 scheduled for September 29, 2022 is VACATED.

8 This Order disposes of Docket No. 14.

9 **IT IS SO ORDERED.**

10 Dated: September 13, 2022

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13 JACQUELINE SCOTT CORLEY
14 United States District Judge

United States District Court
Northern District of California

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